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9 Maria Magana

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12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE EASTERN DISTRICT OF CALIFORNIA

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28 UNITED STATES OF AMERICA, ) No. 2:05-cr-065 FCD  
v. Plaintiff, )  
MARIA MAGANA ) STIPULATION AND ORDER VACATING  
Defendant. ) DATE, CONTINUING CASE, AND  
 ) EXCLUDING TIME  
----- ) Date: MAY 23, 2005  
 ) Time: 9:30 a.m.  
 ) Judge: Hon. Frank C. Damrell

IT IS HEREBY STIPULATED by and between Assistant United States Attorney Anne Pings, Counsel for Plaintiff, and Attorney Dina L. Santos, Counsel for Defendant MARIA MAGANA, and Attorney Gilbert Roque, Counsel for Defendant Juan Aviles, that the status conference scheduled for May 16, 2005, be vacated and the matter be continued to this Court's criminal calendar on May 23, 2005, at 9:30 a.m.

This continuance is requested by the defense in order to permit further diligent examination of possible defenses, further client consultation concerning available courses of action, and finalization of plea agreements.

**IT IS FURTHER STIPULATED** that time for trial under the Speedy Trial Act, 18 U.S.C. § 3161 et. seq. be tolled pursuant to § 3161(h) (8) (A) & (B) (iv), Local code T-4 (time to prepare), and that the ends of justice served in granting the continuance and allowing the defendant further time to prepare outweigh the best interests of the public and the defendant in a speedy trial.

The Court is advised that all counsel have conferred about this request, that they have agreed to the May 23, 2005 date, and that Ms. Pings and Mr. Roque have authorized Ms. Santos to sign this stipulation on their behalf.

**IT IS SO STIPULATED.**

Dated: May 12, 2005 /S/ Gilbert Roque  
GILBERT ROQUE  
Attorney for Defendant  
JUAN AVILES

## ORDER

IT IS SO ORDERED.

By the Court,

Dated: MAY 13, 2005 /s/ Frank C. Damrell Jr.  
Hon. Frank C. Damrell JR.  
United States District Judge